

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

APPEAL FROM ORDER NO.1121 OF 2004
IN
NOTICE OF MOTION NO.5163 OF 2004
IN
L.C.SUIT NO.5823 OF 2004

Bholanath R.Kahar and another).. Appellants

Versus

State of Maharashtra and others).. Respondents

Mr.Dhanesh R.Singh for the Appellants.

Mr.K.K.Tated, A.G.P., for Respondent Nos.1 and 2.

Mr.J.Xavier for Respondent No.3.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 23RD DECEMBER 2004

P.C.:

. There is no need to pass any orders at this stage in view of the fact that the structure has already been demolished. The City Civil Court at Bombay has refused ad-interim relief. The Notice of Motion is yet to be heard. Therefore, there is no urgency to hear the matter and pass orders on the same immediately. Hence, Appeal From Order dismissed. Respondents to file their Written Statements by 31st January 2005. The trial Court is requested to dispose of the Notice of Motion expeditiously.

2. In view of the Appeal From Order being disposed of, nothing survives in Civil Application No.1602 of 2004 and the same is disposed of accordingly.

3. Certified copy expedited.